



Rep. Renée Kosel

Filed: 3/4/2011

09700HB2974ham001

LRB097 10838 KMW 52116 a

1 AMENDMENT TO HOUSE BILL 2974

2 AMENDMENT NO. _____. Amend House Bill 2974 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-13-1 as follows:

6 (65 ILCS 5/11-13-1) (from Ch. 24, par. 11-13-1)

7 Sec. 11-13-1. To the end that adequate light, pure air, and
8 safety from fire and other dangers may be secured, that the
9 taxable value of land and buildings throughout the municipality
10 may be conserved, that congestion in the public streets may be
11 lessened or avoided, that the hazards to persons and damage to
12 property resulting from the accumulation or runoff of storm or
13 flood waters may be lessened or avoided, and that the public
14 health, safety, comfort, morals, and welfare may otherwise be
15 promoted, and to insure and facilitate the preservation of
16 sites, areas, and structures of historical, architectural and

1 aesthetic importance; the corporate authorities in each
2 municipality have the following powers:

3 (1) to regulate and limit the height and bulk of
4 buildings hereafter to be erected;

5 (2) to establish, regulate and limit, subject to the
6 provisions of Division 14 of this Article 11, the building
7 or set-back lines on or along any street, traffic-way,
8 drive, parkway or storm or floodwater runoff channel or
9 basin;

10 (3) to regulate and limit the intensity of the use of
11 lot areas, and to regulate and determine the area of open
12 spaces, within and surrounding such buildings;

13 (4) to classify, regulate and restrict the location of
14 trades and industries and the location of buildings
15 designed for specified industrial, business, residential,
16 and other uses;

17 (5) to divide the entire municipality into districts of
18 such number, shape, area, and of such different classes
19 (according to use of land and buildings, height and bulk of
20 buildings, intensity of the use of lot area, area of open
21 spaces, or other classification) as may be deemed best
22 suited to carry out the purposes of this Division 13;

23 (6) to fix standards to which buildings or structures
24 therein shall conform;

25 (7) to prohibit uses, buildings, or structures
26 incompatible with the character of such districts;

1 (8) to prevent additions to and alteration or
2 remodeling of existing buildings or structures in such a
3 way as to avoid the restrictions and limitations lawfully
4 imposed under this Division 13;

5 (9) to classify, to regulate and restrict the use of
6 property on the basis of family relationship, which family
7 relationship may be defined as one or more persons each
8 related to the other by blood, marriage or adoption and
9 maintaining a common household;

10 (10) to regulate or forbid any structure or activity
11 which may hinder access to solar energy necessary for the
12 proper functioning of a solar energy system, as defined in
13 Section 1.2 of the Comprehensive Solar Energy Act of 1977;

14 (11) to require the creation and preservation of
15 affordable housing, including the power to provide
16 increased density or other zoning incentives to developers
17 who are creating, establishing, or preserving affordable
18 housing; and

19 (12) to establish local standards solely for the review
20 of the exterior design of buildings and structures,
21 excluding utility facilities and outdoor off-premises
22 advertising signs, and designate a board or commission to
23 implement the review process; except that, other than
24 reasonable restrictions as to size, no home rule or
25 non-home rule municipality may prohibit the display of
26 outdoor political campaign signs on residential property

1 during any period of time, the regulation of these signs
2 being a power and function of the State and, therefor, this
3 item (12) is a denial and limitation of concurrent home
4 rule powers and functions under subsection (i) of Section 6
5 of Article VII of the Illinois Constitution.

6 The powers enumerated may be exercised within the corporate
7 limits or within contiguous territory not more than one and
8 one-half miles beyond the corporate limits and not included
9 within any municipality. However, if any municipality adopts a
10 plan pursuant to Division 12 of Article 11 which plan includes
11 in its provisions a provision that the plan applies to such
12 contiguous territory not more than one and one-half miles
13 beyond the corporate limits and not included in any
14 municipality, then no other municipality shall adopt a plan
15 that shall apply to any territory included within the territory
16 provided in the plan first so adopted by another municipality.
17 No municipality shall exercise any power set forth in this
18 Division 13 outside the corporate limits thereof, if the county
19 in which such municipality is situated has adopted "An Act in
20 relation to county zoning", approved June 12, 1935, as amended.
21 Nothing in this Section prevents a municipality of more than
22 112,000 population located in a county of less than 185,000
23 population that has adopted a zoning ordinance and the county
24 that adopted the zoning ordinance from entering into an
25 intergovernmental agreement that allows the municipality to
26 exercise its zoning powers beyond its territorial limits;

1 provided, however, that the intergovernmental agreement must
2 be limited to the territory within the municipality's planning
3 jurisdiction as defined by law or any existing boundary
4 agreement. The county and the municipality must amend their
5 individual zoning maps in the same manner as other zoning
6 changes are incorporated into revised zoning maps. No such
7 intergovernmental agreement may authorize a municipality to
8 exercise its zoning powers, other than powers that a county may
9 exercise under Section 5-12001 of the Counties Code, with
10 respect to land used for agricultural purposes. This amendatory
11 Act of the 92nd General Assembly is declarative of existing
12 law. No municipality may exercise any power set forth in this
13 Division 13 outside the corporate limits of the municipality
14 with respect to a facility of a telecommunications carrier
15 defined in Section 5-12001.1 of the Counties Code.

16 Notwithstanding any other provision of law to the contrary,
17 ~~at least~~ 30 days prior to the issuance of any permits for
18 ~~commencing construction of~~ a new telecommunications facility
19 within 1.5 miles of a municipality, the telecommunications
20 carrier constructing the facility shall provide written notice
21 of its intent to construct the facility. The notice shall
22 include, but not be limited to, the following information: (i)
23 the name, address, and telephone number of the company
24 responsible for the construction of the facility, ~~and~~ (ii) the
25 address and telephone number of the governmental entity that is
26 to issue ~~issued~~ the building permit for the telecommunications

1 facility, (iii) a site plan and site map of sufficient
2 specificity to indicate both the location of the parcel where
3 the telecommunications facility is to be constructed and the
4 location of all the telecommunications facilities within that
5 parcel, and (iv) the property index number and common address
6 of the parcel where the telecommunications facility is to be
7 located. The notice shall not contain any material that appears
8 to be an advertisement for the telecommunications carrier or
9 any services provided by the telecommunications carrier. The
10 notice shall be provided in person, by overnight private
11 courier, or by certified mail to all owners of property within
12 250 feet of the parcel in which the telecommunications carrier
13 has a leasehold or ownership interest. For the purposes of this
14 notice requirement, "owners" means those persons or entities
15 identified from the authentic tax records of the county in
16 which the telecommunications facility is to be located. If,
17 after a bona fide effort by the telecommunications carrier to
18 determine the owner and his or her address, the owner of the
19 property on whom the notice must be served cannot be found at
20 the owner's last known address, or if the mailed notice is
21 returned because the owner cannot be found at the last known
22 address, the notice requirement of this paragraph is deemed
23 satisfied. For the purposes of this paragraph, "facility" means
24 that term as it is defined in Section 5-12001.1 of the Counties
25 Code.

26 If a municipality adopts a zoning plan covering an area

1 outside its corporate limits, the plan adopted shall be
2 reasonable with respect to the area outside the corporate
3 limits so that future development will not be hindered or
4 impaired; it is reasonable for a municipality to regulate or
5 prohibit the extraction of sand, gravel, or limestone even when
6 those activities are related to an agricultural purpose. If all
7 or any part of the area outside the corporate limits of a
8 municipality which has been zoned in accordance with the
9 provisions of this Division 13 is annexed to another
10 municipality or municipalities, the annexing unit shall
11 thereafter exercise all zoning powers and regulations over the
12 annexed area.

13 In all ordinances passed under the authority of this
14 Division 13, due allowance shall be made for existing
15 conditions, the conservation of property values, the direction
16 of building development to the best advantage of the entire
17 municipality and the uses to which the property is devoted at
18 the time of the enactment of such an ordinance. The powers
19 conferred by this Division 13 shall not be exercised so as to
20 deprive the owner of any existing property of its use or
21 maintenance for the purpose to which it is then lawfully
22 devoted, but provisions may be made for the gradual elimination
23 of uses, buildings and structures which are incompatible with
24 the character of the districts in which they are made or
25 located, including, without being limited thereto, provisions
26 (a) for the elimination of such uses of unimproved lands or lot

1 areas when the existing rights of the persons in possession
2 thereof are terminated or when the uses to which they are
3 devoted are discontinued; (b) for the elimination of uses to
4 which such buildings and structures are devoted, if they are
5 adaptable for permitted uses; and (c) for the elimination of
6 such buildings and structures when they are destroyed or
7 damaged in major part, or when they have reached the age fixed
8 by the corporate authorities of the municipality as the normal
9 useful life of such buildings or structures.

10 This amendatory Act of 1971 does not apply to any
11 municipality which is a home rule unit, except as provided in
12 item (12).

13 (Source: P.A. 95-475, eff. 1-1-08; 96-904, eff. 1-1-11.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."